

ENTERED

March 23, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

CORPUS CHRISTI DIVISION

GULF MARINE FABRICATORS, LP

VERSUS

THE ATP INNOVATOR, bearing IMO No. 742, her tackle, furniture, apparel, appurtenances, etc., *in rem*, and
AMERINDO SERVICES LTD., *in personam*
BLUE SKY LANGSA LTD, *in personam*

CIVIL ACTION NO. 2:16-cv-00430

IN ADMIRALTY,
F.R.C.P. 9(h) and Rule C

ORDER

Considering the above and foregoing Opposed Motion to Schedule Sale of the ATP INNOVATOR on April 16, 2018;

IT IS HEREBY ORDERED that the Motion is **GRANTED** and that the U.S. Marshals Service is directed to sell the ATP INNOVATOR, bearing IMO No. 742 and Official No. 575567, her tackle, furniture, apparel, appurtenances, etc., *in rem* (the “INNOVATOR”), to the highest bidder at public auction pursuant to this *in rem* decree, with a minimum bid of \$3,500,000 and minimum bid increments of \$10,000.

IT IS FURTHER ORDERED that the auction will be held on April 16, 2018 at 10:00 a.m. in the lobby of the U.S. District Court, 1133 N. Shoreline Boulevard, Corpus Christi, Texas.

IT IS FURTHER ORDERED Gulf Marine Fabricators, LP will advertise the auction in the Corpus Christi Caller Times newspaper in accordance with the current Local Rules of this

Court. The costs of advertisement and an affidavit of publication will constitute taxable costs in this action and recoverable as *custodia legis* from the sale proceeds of the INNOVATOR.

IT IS FURTHER ORDERED that the auction will be conducted in accordance with Local Admiralty Rules, which are incorporated by reference into this Order. In the event of default by the highest bidder in consummating the purchase, the deposit will be forfeited and placed into the Registry of the Court pending further order of the Court.

IT IS FURTHER ORDERED that the INNOVATOR will be sold “as is, where is,” and free and clear of all liens, encumbrances, and pre-existing claims on the INNOVATOR, whether recorded or not.

IT IS FURTHER ORDERED that Compass Maritime Services LLC (“Compass”) is appointed sole broker for the purpose of advertising and marketing the INNOVATOR and Compass will be paid a commission of one percent (1%) of the amount for which the INNOVATOR sells at auction. Such commission shall be paid from the proceeds of sale as a *custodia legis* expense.

IT IS FURTHER ORDERED that the purchaser of the INNOVATOR will be and shall remain a citizen of the United States as defined by the Shipping Act of 1916, as amended and recodified at 46 U.S.C. 50501 and any and all successor statutes, and any and all regulations promulgated under any thereof, and qualified under applicable law to engage in the trade in which the INNOVATOR is engaged, or, if not, the purchaser will within such time allowed by the Court obtain the consent and approval of the United States Department of Transportation, Maritime Administration (“MARAD”) to the sale of the vessel, and the purchaser shall bear all expenses, including any insurance costs, pending further orders of the Court. In the event that

permission from MARAD is not obtained, the purchaser shall be refunded its deposit; and the INNOVATOR shall be awarded to the second-highest bidder at auction.

IT IS FURTHER ORDERED that anyone wishing to inspect the INNOVATOR must first present himself or herself, along with photo identification, to the office of the U.S. Marshals Service, 1133 N. Shoreline Boulevard, Corpus Christi, Texas, and/or the Substitute Custodian. The INNOVATOR presently lies afloat at 1982 FM Rd. 2725, Aransas Pass, Texas 78336, at or about the intersection of the Intracoastal Waterway and the Corpus Christi Ship Cannel at Mile Marker 36.

IT IS FURTHER ORDERED that all charges incurred by the United States Marshal, Gulf Marine Fabricators, LP, and other parties funding the United States Marshal's costs and those fees and costs of the arrest of the INNOVATOR, including the fees and costs for wharfage and other services for the INNOVATOR, and the fees and costs of the substitute custodian with respect to the INNOVATOR during the period of arrest, shall be expenses of the sale which shall be taxed as costs of *custodia legis* against the proceeds of the sale.

IT IS FURTHER ORDERED that the proceeds of the sale will remain in the Registry of the Court in an interest bearing account pending further order of the Court.

Corpus Christi, Texas, this _____ day of 3/23/18, 2018.



U.S. DISTRICT COURT JUDGE